

Chadds Ford Township Board of Supervisors Meeting
August 6, 2003
MINUTES

OFFICIALS PRESENT: James E. Shipley, Chairman
 Deborah Love D'Elia, Vice-Chairman
 George M. Thorpe, Member
 Hugh A. Donaghue, Esquire, Township Solicitor
 James C. Kelly, Township Engineer
 Richard J. Jensen, Building Inspector, CEO
 Laura A. Kot, Acting Secretary/Treasurer

CALL TO ORDER

Chairman Jim Shipley called the meeting to order at 7:45 PM. Those present gave the Pledge of Allegiance.

PUBLIC COMMENT

The public comment began with an announcement from Chairman Jim Shipley. The Board decided that any comment, unless brief, concerning Toll Brothers should be reserved for the next meeting. The Board of Supervisors is still seeking information from the Township Engineer, the Code Enforcement Officer, and the Solicitor concerning how ordinances may or may not apply. Nothing will be done before the September meeting.

- Fred Reiter requested that a suggestion be made to Toll Brothers to consider a much lower density "limited age community".
- Ann Valee McLaughlin, and the group she represents, presented a conceptual plan to Toll Brothers of how they would like to see Camp Sunset Hill developed. McLaughlin reported that Toll Brothers was agreeable to the plan they presented.
- Mr. McLaughlin added that residents from each of the groups have endorsed the above plan.
- Debbie Reardon does not see anything being done to improve the dangerous intersection at Heyburn Road and Ring Roads. Bruce Prabel responded to Debbie Reardon by informing her that the intersection has been studied and cannot be fixed without extensive funds. Mr. Shipley suggested that the Township put pressure on PennDOT to resolve the issue of the intersection of Heyburn and Ring Road.

REPORTS

STATE POLICE REPORT

A report was not available.

MOTION TO APPROVE MINUTES

Upon motion and second (Thorpe, Love D'Elia), the Board approved the minutes of the Board of Supervisor's meeting of July 2, 2003.

MOTION TO APPROVE MINUTES – SPECIAL MEETING

Upon motion and second (Thorpe, Love D'Elia), the Board approved the minutes of

the July 22, 2003 special meeting.

SUPERVISOR'S REPORTS

Mr. Thorpe reported that the Township agreed to urge PennDot to widen Route 202 in section 100. There will be at least a two-year delay based on the environmental impact study and the Brandywine Battlefield issue. The Federal government will provide 80% of the funds. After all the approvals are resolved and the final design is complete, the estimated time will be 5-6 years with an estimated cost of 150 to 180 million dollars.

TREASURER'S REPORT

Mrs. Love D'Elia reported the following balances for July, 2003:

Total all Funds:	\$894,237.49
Total all deposits:	\$55,181.31
Total all disbursements:	\$50,239.69

MOTION TO APPROVE TREASURER'S REPORT

Upon motion and second (Thorpe, Love D'Elia), the Board unanimously approved the Treasurer's Report for July, 2003, and approved the disbursements included therein, with the exception of a check for \$1,225 to Elko Advisory Group that will be held until more research is done.

ROADMASTER REPORT

Mr. Prabel presented the Roadmaster's Report for the month of July, 2003, a copy of which is attached hereto.

PLANNING COMMISSION

Mr. Taylor presented the Planning Commission minutes for the meeting on July 30th, 2003, a copy of which is attached hereto.

Mr. Shipley asked the Solicitor and the Planning Commission to review the Well Water Ordinance.

ZONING HEARING BOARD

Mr. Wandersee presented the Zoning Hearing Board report for the meeting of July 28, 2003, a copy of which is attached hereto. The ZHB granted a variance to the Best of Italy restaurant over the number of parking spaces required. Mr. Shipley and Mr. Thorpe expressed concern as to how the ZHB restrictions on the daily operating hours of the retail units at the *Plaza at Chadds Ford* shopping center would be enforced.

HARB

HARB met Monday, August 4th, to discuss a request from Hank's Place. Business was not conducted due to lack of a quorum.

SEWER AUTHORITY

Mr. Murray presented the Sewer Authority report for July, 2003, a copy of which is attached hereto.

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER

Mr. Jensen reported that he contacted Verizon to replace damaged trees and vegetation at Mother Archie's cemetery. They owe \$3,000 dollars to the Township.

TOWNSHIP ENGINEER

Mr. Kelly presented the Engineer's report for the month of July, 2003, a copy of which is attached hereto. He reported that Enzo's South has been discussed and the Township number is correct.

MOTION TO APPROVE THE RELEASE OF ESCROW TO MR. MACK

Upon motion and second, (Love D'Elia, Thorpe) the Board approved the escrow release of \$49,991.91 to William Mack.

SOLICITOR'S REPORT

Mr. Donaghue presented the Solicitor's report. He reported that the Supervisors, Township Engineer, and he had met with Toll Brothers and requested a date for a submitted plan. He expects a plan from Toll Brothers in the next few months.

OPEN SPACE COMMITTEE

Debbie Reardon presented the report for Open Space, a copy of which is attached hereto.

TOWNSHIP PROPERTIES COMMITTEE

Mr. Thorpe presented the Properties Committee report for July 2003, a copy of which is attached hereto.

FIRE MARSHALL

Mr. Shipley said that there will be a presentation concerning the Fire Marshall Ordinance at the next Supervisors Meeting.

FINANCIAL ADVISORY BOARD

Mrs. Love Love D'Elia presented the Financial Advisory Board report stating the next meeting will be August 21st when an auditing firm for 2003 will be chosen and subsequently submitted to the Board of Supervisors for consideration.

OLD BUSINESS

RENUMBERING UPDATE

Mr. Thorpe stated that the Township had a commitment with the post office to continue delivering mail to both new and old addresses for one year. Although residents have made an effort to notify everyone of the new number, some still receive mail with their old address. The Township has requested that the Post Office continue delivering mail to the old addresses a while longer. If no effort has been made by the resident to change the number, the post office has been directed to send the mail back. The final renumbering books need to be distributed to the proper agencies by the end of the month.

BURNING ORDINANCE

On July 15, 2003 at the scheduled public meeting, changes to the burning ordinance were discussed. The current draft has been reviewed by the Planning Commission, and with input from the Board of Supervisors, a new draft will be presented for discussion at a public meeting on September 8th, prior to the Supervisors' Meeting. The new draft includes the additional suggestion that there will be no burning on Holidays, and possibly on Sundays, and a limit that would allow for burning a maximum of twelve times a year and once a month.

SOVEREIGN BANK

Mike Lyons, attorney for Sovereign Bank, presented a plan to demolish the existing building at the corner of Rt. 202 and Marshall Road and build further back, making improvements to the road. Mr. Lyons proposed the widening of Route 202 with a right-hand turn lane approaching the intersection to better facilitate traffic. Several variances would be required.

Mr. Shipley stated that he would oppose the request because there too many variances needed and it is a dangerous section of highway. Mrs. Love D'Elia disagreed, adding that the proposed changes would be an improvement to Marshall Road. Her concern was how it would affect traffic. Mr. Thorpe opposed the plan because he was not comfortable granting so many variances and it would not improve the traffic situation on that section of the road.

NEW BUSINESS

CHADDS FORD SEWER AUTHORITY COMPULSORY HOOK-UP

State law requires that the Board of Supervisors provide notice by registered mail or personal service to all those effected by the sewer connections. There are four families that have refused hook-up to the Ridge Road project. It was made clear that if the families did not comply within six months, the Board of Supervisors would force connection with enforcement by

the Sewer Authority. Those families that are not able to afford the sewer connection will be granted relief.

MOTION TO ALLOW SEWER AUTHORITY TO ACT AS AGENTS FOR THE PURPOSES OF ENFORCING SEWER CONNECTION AS WELL AS SENDING OUT NOTICE

Upon motion and second, (Shipley, D'Elia) the Board approved the Sewer Authority to act as agents for the Board of Supervisors for the purposes of enforcing sewer connections as well as sending out notices.

LIBRARY REFERENDUM RESOLUTION 2003-18

The proposed resolution is to establish an annual tax for residents of Chadds Ford Township at .012 mills to aid and operate the Rachel Kohl Community Library. If passed this referendum would raise approximately \$5,700 (\$1.20 for 100,000 of assessed property value) for the Rachel Kohl Community Library annually.

MOTION TO APPROVE LIBRARY REFERENDUM RESOLUTION 2003-18

Upon motion and second, (Shipley, Thorpe) the Board approved Resolution 2003-18 to be placed on the November ballot and to read: "Shall Chadds Ford Township establish an annual tax of .012 mills (i.e. \$1.20 per \$100,000 of assessed value) on the assessed value of all taxable real property situated in the Township to aid in the operation of the Rachel Kohl Community Library?"

MOTION TO HAVE SOLICITOR PLACE REFERENDUM ON THE NOVEMBER BALLOT - RESOLUTION 2003-18

Upon motion and second, (Shipley, Thorpe) the Board approved the Solicitor to take the requisite steps to have the Board of Elections place the Referendum question, as written in Resolution 2003-18, on the November ballot in Chadds Ford Township.

REAPPROVAL OF MEHRING SUBDIVISION PLAN – RESOLUTION 2003-19

Signature dates on plans for the Mehring Subdivision had expired prior to the Township being provided with all necessary documents that were conditions of the original approval by the Board of Supervisors. The documents had subsequently been received and the subdivision plans needed to be re-approved.

MOTION TO APPROVE RESOLUTION 2003-19

Upon motion and second, (Love D'Elia, Thorpe) the Board approved Resolution 2003-19, reapproval of the Mehring subdivision plan.

FISHER CARPET CONDITIONAL USE LAND DEVELOPMENT PLAN

Mr. Lyons asked for approval of the conditional use application as proposed by Fisher Carpet. A conditional use hearing had immediately preceded tonight's Board of Supervisor's meeting. Both Township Solicitor and Engineer agreed that all criteria were met. Mr. Thorpe suggested that approval be denied based on the outstanding bill of \$7,000 dollars owed to the Township. Mr. Fisher agreed the bill would to be paid this week.

MOTION TO APPROVE CONDITIONAL USE FOR FISHER CARPET

Upon motion and second, (Shipley, Thorpe) the Board approved the conditional use application as proposed by Fisher Carpet.

MOTION TO APPROVE RESOLUTION 2003-20: FISHER CARPET LAND DEVELOPMENT PLAN

Upon motion and second (Shipley, Love D'Elia), the Board approved the Preliminary/Final land development plan of Fisher Carpet I last revised August 5th, 2003, subject to conditions as set forth in Resolution 2003-20.

ZONING ISSUE- ROCKY D'ANTONIO, PROPERTY ON ROUTE 1 SOUTH OF BRANDYWINE DRIVE

Mr. D'Antonio presented a zoning change request for a property he owns between Route 202 and Harvey Road on the northbound side of Route 1. He requested that the 4.2-acre property, which is currently zoned R2, be re-zoned to B business.

Mr. Shipley responded by making the point that by rezoning the property Mr.

D'Antonio would be affecting all the properties around him; re-zoning relates to property values, buffering, and transitional use.

MOTION TO CONSIDER A CHANGE IN ZONING

The Board indicated that a request to re-zone the property would most likely not be favorably received.

ARYA AFRAKHTTEH- REQUEST FOR REIMBURSEMENT OF APPLICATION FEE

Mr. Afrakhteh did not appear. The Board denied reimbursement but may reconsider if Mr. Afrakhteh requests another audience at a later date.

RUTH ELLEN DUNCAN, 126 HEYBURN ROAD – APPEAL OF PLUMBING CODE

Mrs. Duncan proposed a plan in which plumbing would be built for a shower, toilet and changing area to be built in her backyard for outdoor use, near the pool area. Mr. Shipley requested an annual inspection to insure that the area does not become a living facility.

MOTION TO APPROVE THE PLUMBING CODE APPEAL

Upon motion and second (Shipley, Thorpe), on the condition that there would be an annual inspection to insure the area would not be used for housing, the Board approved the appeal of the Plumbing Code for Ruth Ellen Duncan, 126 Heyburn Road, so a shower and toilet may be installed near her pool.

RAVENS CREST SEWER EXTENSION – TOWNSHIP AUTHORIZATION TO ADVERTISE AND SUBMISSION TO CHADDS FORD AND DELCO PLANNING COMMISSIONS

MOTION TO ADVERTISE THE RAVENS CREST SEWER EXTENSION

Upon motion and second, (Shipley, Love D'Elia) the Board authorized the Township Engineer to advertise for possible adoption the Act 537 minor amendment for the Ravens Crest Sewer Extension Phase II and directed that the Sewer Authority give proper notice to those homeowners directly affected.

MOTION TO CHANGE NEXT MEETING TO SEPTEMBER 8, 2003

Upon motion and second (Shipley, Thorpe), the Board approved the date change to Monday, September 8th for the next Board meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:05 PM.

Respectfully submitted,
Laura Kot, Acting Secretary/Treasurer